

## When does the payment of child support end?

A common question we get asked is “when do I stop the payment of child support?”

Before answering that, let’s back up for a moment and get a clear picture regarding the financial support for children. There are 2 potential processes you need to be aware of:

1. Child support: The Child Support Agency (Department of Human Services) is a federal government department responsible for assessing and collecting child support in Australia. The Agency applies a formula to determine the assessment. The formula takes into account the income of both parents, the level of care of the child between the parents and the “costs of children” (schedules). The Agency and its process is established pursuant to legislation and although that process can sometimes be cumbersome and time consuming, it is a well-defined one. As the Agency has legal responsibility for the financial support of children under the age of 18, it deals with the vast majority of financial support issues for children.
2. Child maintenance: For children that do not fall within the “Child Support Agency” system, the Family Law Act provides a process for the financial support of children. This applies for children over the age of 18 that are involved in continuing study and therefore still have a “financial need” or for children where one of the parents is in a “non-reciprocating child support country”. For these cases, there is no formula to apply.

The question in this article relates to when an assessment under the Child Support Agency ceases. Parents can agree between themselves as to how child support payments should be made, by way of a “Child Support Agreement” however if there is no agreement then under the child support legislation, payment will usually end when:

- The child turns 18 years. There is scope for the child support assessment to continue until the end of the school year during which the child turns 18, or if there is a need to provide for a child with an intellectual or physical disability, however for this, the parent must apply before the child’s 18th birthday;
- If the other parent chooses to stop receiving child support payments. This option may not be available if the receiving parent is in receipt of a Centrelink benefit;
- If the child:
  - dies;

- gets married or enters into a defacto relationship;
- is adopted; or
- is no longer either resident in Australia, ordinarily in Australia or an Australian citizen (and there is no international maintenance arrangement that applies);
- if the paying parent moves to a country not included in an international Child Support Agreement with Australia;
- if neither parent is caring for the child;
- if the parents reconcile and are parents for at least 6 months; or
- if either parent dies.

If a child leaves school before 18 years and starts working, that in itself is not a justification for child support ceasing. The child working may be grounds for the paying parent to apply to the Child Support Agency for a change of assessment on the grounds that “the assessment is unjust and inequitable because of the income, earning capacity, property and financial resources of the child”.